United Nations A/67/69

General Assembly

Distr.: General
9 March 2012
English
Original: Spanish

Sixty-seventh session
Item 111 (d) of the preliminary list*
Elections to fill vacancies in subsidiary organs and other elections: elections of eighteen members of the Human Rights Council

Note verbale dated 10 January 2012 from the Permanent Mission of Argentina to the United Nations addressed to the Secretariat

The Permanent Mission of the Argentine Republic to the United Nations presents its compliments to the General Assembly Affairs Branch and, with regard to the note dated 18 September 2009, has the honour to transmit the statement of Argentina's voluntary pledges and commitments (see annex), in accordance with General Assembly resolution 60/251 of 15 March 2006.

* A/67/50.

12-25912 (E) 140312 140312

Please recycle

Annex to the note verbale dated 10 January 2012 from the Permanent Mission of Argentina to the United Nations addressed to the Secretariat

Candidacy of Argentina to the Human Rights Council for the period 2013-2015 — voluntary pledges and commitments

I. Argentina and the promotion and protection of human rights

Argentina has submitted its candidacy for membership in the Human Rights Council for the period 2013-2015, in the context of the elections that will be held in the United Nations General Assembly in May 2012.

Since the restoration of democracy, and in particular since 2003, the promotion and protection of human rights is a Government policy that reflects the principle demands of Argentine society. The protection and promotion of those rights therefore constitutes the central aim of our country's foreign policy.

The Argentine Constitution provides for a democratic and pluralistic society whose central aim is the unrestricted respect for human rights. Its pillars include absolute equality in the enjoyment of those rights by all its inhabitants, whether nationals or foreigners, the principle of non-discrimination and the separation of powers. In 1994, with the reform of the Constitution, the commitment to the protection and promotion of human rights was enhanced by incorporating, with constitutional rank, the major instruments of international law and human rights, including: the American Declaration on the Rights and Duties of Man; the Universal Declaration of Human Rights; the American Convention on Human Rights; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights and its Optional Protocol; the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Rights of the Child; all of which, under their own terms, should be understood as complementary to the rights and guarantees recognized in the Constitution.

Act No. 25778 likewise gave constitutional rank to the Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes against Humanity. Act No. 24820 gave constitutional rank as well to the Inter-American Convention on Forced Disappearance of Persons, adopted by the General Assembly of the Organization of American States (OAS).

Argentina has recently established the basis for implementation of a Federal Plan on Human Rights, consisting of an assessment of the current status of their development in the country, based on which the major areas for strategic action in the medium and long term will be determined. This plan is made up of a range of measures leading to the systematization, further development and consolidation of human rights by working towards consensus and the participation of various social actors. A Federal Anti-Discrimination Plan has also been implemented since 2005, which contains an in-depth diagnosis of the problem and establishes a workplan in

addition to offering specific recommendations. Our country has thus become a model for the development of similar plans in other countries.

Argentina has placed particular emphasis on the progressive incorporation of the practices and norms of international human rights standards. The following legislation can be mentioned by way of example.

In 2004, the passage of the new Migration Act No. 25871 repealed the laws of the last de facto Government and established principles under the Constitution and international human rights treaties. The regulations for the Act (Presidential Decree 616/2010) consolidated the approach of the policy of non-discrimination towards migrants. Argentina thus implemented two special programmes for regularization of documentation: a programme intended for immigrants from outside the Southern Common Market (MERCOSUR), and the "National Programme for Regularization of Immigration Documentation (the Greater Homeland Programme — *Patria Grande*)" for immigrants from countries that are full members and associate members of MERCOSUR, through which 420,000 people have registered to obtain legal residence status. This is in keeping with the belief that a migration policy that facilitates access to legal residence for immigrants is key to obtaining a job under decent conditions both for workers coming into Argentina and for Argentine citizens moving throughout South America.

Decree No. 1602 of 2009 established the Child Allowance, which is currently reaching over 3,600,000 children and adolescents from birth to age 18. Likewise, by Presidential Decree No. 446/011 the Pregnancy Allowance for Social Protection was created for pregnant women from the third month of gestation who are unemployed or are employed as domestic workers or in the informal economy.

Those allowances expand the foundations of the Argentine social protection system, thereby allowing policies aimed at social protection to mesh with the active employment policies developed by the Employment Secretariat of the Ministry of Labour, Employment and Social Security.

Another example of the progressive strengthening of fundamental rights is the adoption of the Mental Health Act No. 26657 of 25 November 2010, which takes a human rights approach; its main aim is deinstitutionalization, rehabilitation and reintegration of patients into the community. As for the budget allocation for mental health, article 32 of the Act states: "in a progressive manner and no more than three (3) years from the adoption of this Act, the Executive Branch shall include in the proposed budget an increase in the funds allocated to mental health in order to reach a minimum of ten per cent (10%) of the total budget for health."

In September 2011 the National Chamber of Deputies approved the bill on a national mechanism for the prevention of torture. This approval represents a very important step on Argentina's road towards compliance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The recent adoption of the Marriage Equality Act made our country the first in Latin America and the tenth in the world to allow marriages between persons of the same sex to be performed throughout its territory. Our leadership, recognized at the global level, symbolizes a calling to equality that provides a remedy for an unsustainable situation of discrimination.

On 30 November 2011 another step was taken towards equal rights and the fight against discrimination when the bill on gender identity obtained approval in the National Chamber of Deputies. It has been adopted by one house of the legislature; the National Senate will debate the bill at its next session.

On the regional and international levels, Argentina has promoted and participated actively in the negotiation of instruments for the protection of human rights. During 2011, with the ratification of the Optional Protocol of the International Covenant on Economic, Social and Cultural Rights, our country has completed the ratification of all the most relevant human rights instruments of the international and regional systems. This action is part of a foreign policy aimed at strengthening international law, cooperation, promotion of universal values associated with peace and security, representative democracy and respect and promotion of human rights, both economic, social and cultural rights and civil and political rights.

In compliance with the recommendation made during the universal periodic review, the Second Optional Protocol to the International Covenant on Civil and Political Rights and the Convention on the Rights of Persons with Disabilities and its optional protocol were ratified in 2008.

With respect to the human rights treaty monitoring bodies, Argentina has met its obligations for the submission of periodic reports to the monitoring bodies (committees), as well as those related to the system of individual communications. On this point, it should be recalled that our country recognized the jurisdiction of the Committees to analyse the complaints of persons who allege that they have been victims of violations of the rights guaranteed by those treaties (Human Rights Committee, Committee on the Rights of the Child, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination against Women, Committee against Torture and Committee on Enforced Disappearances). Argentina has submitted all periodic reports to the various monitoring bodies.

The path followed by Argentina since 1983, and especially the decided impetus given beginning in 2003 with the Governments of Presidents Nestor Kirchner and Cristina Fernandez de Kirchner in combating impunity and the struggle to guarantee and protect human rights has placed our country in a position of global leadership in building a more just international order, which is one of the major comparative advantages of its political position in the world.

It is essential to note that the road Argentina has travelled is a result of the untiring work of local human rights bodies, which, under the motto "truth, justice and remembrance", have never ceased to demand from the State the proper functioning of democratic institutions, promoting, through their role as civil society, public policy proposals that observed international standards of human rights protection.

The development of the right to the truth, Argentina's initiatives for the prevention of mass violation of human rights in the world and the proposals relating to the International Convention for the Protection of All Persons from Enforced Disappearances are succinct examples of those areas where Argentina is clearly a world leader.

The responses offered by Argentina at the domestic level in combating impunity and the demands for truth, justice and reparation for the victims of grave

violations of human rights during the last military dictatorship represent fundamental pillars of the integral human rights policy of the Argentine Government.

Because of its experience and history and the commitments it has made, one issue of particular importance to Argentina is the punishment of crimes against humanity and the prevention of genocide. In that regard, Argentina participated actively in the establishment of the International Criminal Court and also collaborated firmly in the establishment of mechanisms for the prevention of genocide, through the holding of regional forums.

Argentina firmly believes in the need to continue to strengthen the universal system for the promotion and protection of human rights. It therefore wishes to make a definite contribution at this stage of the consolidation of the Human Rights Council, which will assist it in continuing to improve international levels of protection.

II. Activities of Argentina in the international system for the promotion and protection of human rights

Within the United Nations, Argentina was a member of the Commission on Human Rights during the following periods: 1957-1962, 1966-1968 and 1980-1993. It held continuous membership starting in 1997 and was re-elected in May 2005, until the establishment of the Human Rights Council, of which it was a member for one year, thereby promoting rotation of its membership.

It should be noted that our country has collaborated closely with all special procedures of the Human Rights Council. It has received visits from various Special Rapporteurs and Working Groups on the promotion and protection of human rights and supports initiatives for the renewal of existing mandates and the establishment of new ones.

On the other hand, Argentina has presented various innovative draft resolutions to the Council, in particular introducing on the international agenda the topic of "the right to the truth". The development of this right centres on the prevention of mass human rights violations in the world. In addition, since 2009 it has submitted initiatives on forensic genetics and human rights, placing our country in a position of international leadership on that issue.

The recent establishment of a new thematic mandate, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees on non-recurrence, should also be highlighted. This initiative was submitted jointly with Switzerland, Morocco, Côte d'Ivoire and France among its main sponsors.

Activities related to the universal adherence to the International Convention on the Protection of All Persons from Enforced Disappearance, which entered into force on 23 December 2010, and under which Argentina also accepted the jurisdiction of the Committee on Enforced Disappearance, make up a central element of our country's foreign policy, along with efforts in the OAS and United Nations General Assembly towards the elaboration of a convention on the protection of the rights of older persons.

Argentina supports and works actively in forums for promotion and protection of human rights for the adoption of various resolutions, for instance "Human rights, sexual orientation and gender identity", which addresses the decriminalization of homosexuality, among other issues; "Protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)". Argentina also co-sponsored the traditional event on "Human rights and sexual orientation", designed to promote and raise the visibility of the issue within the United Nations, and is a member of the "core group" of organizing countries. At the latest panel discussion, held in New York, Argentina was cited among cases where there had been positive developments in that area.

With respect to the universal periodic review, Argentina supports this mechanism and considers it a significant and objective tool of the universal system for the promotion and protection of human rights. Along those lines, all rights, both civil and political as well as economic, social and cultural rights, should be given equal importance, including the right to development.

As an example of its commitment to follow up on the recommendations made by States in the context of the universal periodic review, at the fifteenth session of the Council (September 2010), our country voluntarily submitted an advance report on compliance with the recommendations made to Argentina, which summarizes briefly in a table the actions taken to date to comply with the recommendations of the Working Group, as one more sign of its support for this mechanism.

III. Activities of Argentina in the regional system for promotion and protection of human rights

Argentina actively participates in all negotiations on human rights conducted in the Organization of American States and is in constant dialogue with the States of the region.

Furthermore, as with United Nations mechanisms, Argentina maintains a standing invitation to the organs of the inter-American human rights system to visit the country. Additionally, it recognizes the jurisdiction of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights to receive complaints against the Argentine Government for violations of the human rights contained in the American Convention on Human Rights.

In this context, a Special Session of the Inter-American Commission on Human Rights was held in Buenos Aires in 2009 at the invitation of the Argentine Government to mark the anniversaries of the establishment of the Commission (1959) and the Inter-American Court of Human Rights (1979) and the historic visit by the Commission to our country in 1979.

The recent adoption at the forty-first General Assembly of the OAS of resolutions on "Right to the Truth", "Older Persons and Human Rights", "Protection of Applicants for Refugee Status in the Americas" and "Access to Justice: the role of official public defenders" should also be noted. These were all initiatives by our country.

IV. Commitments by Argentina during its term of membership

Hoping that it can count on broad support among Member States, Argentina undertakes to:

At the international level

- Strengthen the promotion and protection of all human rights, both civil and political as well as economic, social and cultural, in accordance with the principles of universality, interdependence and indivisibility
- Promote multilateralism as an effective tool for the defence of human rights, submitting and co-sponsoring resolutions in the General Assembly and the Human Rights Council that will help to raise international standards for human rights protection
- Work with all organizations of civil society through interactive dialogue, developing new forums to increase mechanisms for their participation in the Council and recognizing their role as promoters of human rights
- Build the Council's capacity for effective action in emergency situations of grave violations of human rights and country mandates
- Endorse the commitment to discourage, during diplomatic consultations, such practices as the "no action motion" on a particular draft resolution. In a spirit of dialogue and cooperation, Council members must be prepared to consider all issues having to do with the promotion and protection of human rights, in due observance of General Assembly resolution 60/251
- Support the strengthening and independence of special procedures, guaranteeing full freedom of action to mandate holders. The special procedures should consider in a balanced manner the effect of all human rights, both economic, social and cultural as well as civil and political, including the right to development
- Continue supporting the work of the Office of the High Commissioner and its mechanisms, attempting to increase its participation in the work of the Council
- Participate constructively in giving the universal periodic review greater capacity for transformation, providing technical cooperation for all States that require it. When making its recommendations, the review should take into account the different levels of development of the countries being evaluated, along with a gender perspective
- Continue efforts to achieve the full effect and observance of the International Convention on the Protection of All Persons from Enforced Disappearance by all States

At the regional level

- Continue to promote dialogue and cooperation among the States of the region in order to contribute to the strengthening of human rights and bring a constructive view and spirit of consensus to the Council
- Cooperate in strengthening democracy in the region, guaranteeing full respect for human rights

- Continue to participate actively in the Working Group on protection of the human rights of older persons, whose work centres on the protection of the rights of the elderly, within the OAS

At the national level

- Continue the full implementation at the domestic level of the obligations undertaken by Argentina through international human rights instruments
- Continue and expand the promotion and protection of human rights at the national level as a Government policy, based on the strong belief that they represent rights inherent to all persons
- Continue to combat impunity through the implementation of policies aimed at achieving truth, justice, remembrance and reparation
- Work together with civil society and non-governmental organizations to promote public policies that guarantee respect for human rights
- Adopt a gender perspective in the follow-up to the universal periodic review
- Include factors concerning the fight against discrimination in all its forms and gender violence in the universal periodic review